

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: DEALER MANAGEMENT  
SYSTEMS ANTITRUST LITIGATION

This Document Relates To:  
*The Dealership Action*

MDL No. 2817  
Case No. 18-cv-00864

Hon. Robert M. Dow, Jr.  
Magistrate Judge Jeffrey T. Gilbert

**DEALERSHIP CLASS PLAINTIFFS' MOTION TO SUPPLEMENT THE SUMMARY  
JUDGMENT RECORD**

Dealership Class Plaintiffs ("Dealers") respectfully submit this motion to supplement the summary judgment record to address two recent decisions that further support Dealers' arguments in opposition (ECF No. 1158) to CDK's motion for summary judgment (ECF No. 973) with respect to the state law issues described below.

In *In re Pork Antitrust Litig.*, 2020 WL 6149666 (D. Minn. Oct. 20, 2020) (attached hereto as Exhibit A), the court held that the class action bars in the Illinois Antitrust Act and South Carolina Unfair Trade Practices Act are "purely procedural" and inapplicable in federal court. *See id.* at \*11, 22; *see generally* Dealers' Opposition Brief at 43-45.

In *Sandee's Catering v. Agric. Stats, Inc.*, 2020 WL 6273477, at \*11 (N.D. Ill. Oct. 26, 2020) (attached hereto as Exhibit B), the court held that the consumer protection statutes of Minnesota and South Dakota extend to potential antitrust violations; *see generally* Dealers' Opposition Brief at 39-41. The court also found that plaintiffs adequately alleged that the nexus requirements for the Mississippi and New York antitrust statutes were satisfied. *See* 2020 WL 6273477, at \*8 (requirement satisfied under Mississippi statute, where prices were allegedly fixed in that state and the challenged conduct substantially affected commerce there); *id.* at \*7 (requirement satisfied under New York statute where plaintiff was injured in that state); *see generally* Dealers' Opposition Brief at 34-37.

Dated: March 1, 2021

Respectfully submitted,

/s/ Peggy J. Wedgworth

Peggy J. Wedgworth

Peggy J. Wedgworth (*pro hac vice*)

Elizabeth McKenna (*pro hac vice*)

**MILBERG PHILLIPS GROSSMAN LLP**

100 Garden City Plaza, Suite 500

Garden City, New York 11530

Tel: (212) 594-5300

Fax: (212) 868-1229

[pwedgworth@milberg.com](mailto:pwedgworth@milberg.com)

[emckenna@milberg.com](mailto:emckenna@milberg.com)

***Interim Lead Counsel for the Dealership Class***

**CERTIFICATE OF SERVICE**

I, Peggy J. Wedgworth, an attorney, hereby certify that on March 1, 2021, I caused a true and correct copy of the foregoing **DEALERSHIP CLASS PLAINTIFFS' MOTION TO SUPPLEMENT THE SUMMARY JUDGMENT RECORD** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

/s/ Peggy J. Wedgworth

Peggy J. Wedgworth